

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

LANDON BRADSHAW DICKERSON,
TERRI LEIGH DICKERSON,

Debtors.

WHITNEY N. FARMER,

Co-Debtor.

NISSAN- INFINITI LT,

Movant,

vs.

LANDON BRADSHAW DICKERSON,
TERRI LEIGH DICKERSON,
WHITNEY N. FARMER
CO-DEBTOR, and MARY IDA
TOWNSON, as Trustee,

Respondents.

CHAPTER 13

CASE NO. 16-69381-BEM

JUDGE BARBARA ELLIS-MONRO

CONTESTED MATTER

NOTICE OF HEARING

PLEASE TAKE NOTICE that Nissan- Infiniti LT has filed a Motion to Terminate Stay and to Authorize Movant to Take Possession of Collateral and related papers with the Court seeking an order lifting the stay as to a certain 2016 Nissan Sentra, VIN 3N1AB7AP0GY249517.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion to Terminate Stay, in Courtroom 1402, Richard B. Russell Federal Building & U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3361, at 9:30 a.m. on 08/29/2017.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings, or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address for the Clerk's Office is: Clerk, United States Bankruptcy Court, Richard B. Russell Federal Building & U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3361.

If a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

/s/ Ronald A. Levine

Ronald A. Levine, Ga. Bar No. 448736

LEVINE & BLOCK, LLC.

P.O. Box 422148

Atlanta, Georgia 30342

(404) 231-4567

Attorney for Movant

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CHAPTER 13
)	
LANDON BRADSHAW DICKERSON,)	CASE NO. 16-69381-BEM
TERRI LEIGH DICKERSON,)	
)	JUDGE BARBARA ELLIS-MONRO
Debtors.)	
)	-----
WHITNEY N. FARMER,)	
)	CONTESTED MATTER
Co-Debtor.)	
-----)	
)	
NISSAN- INFINITI LT,)	
)	
Movant,)	
)	
vs.)	
)	
LANDON BRADSHAW DICKERSON,)	
TERRI LEIGH DICKERSON,)	
WHITNEY N. FARMER)	
CO-DEBTOR, and MARY IDA)	
TOWNSON, as Trustee,)	
)	
Respondents.)	

**MOTION TO TERMINATE STAY AND TO AUTHORIZE MOVANT TO
TAKE POSSESSION OF COLLATERAL AS TO
DEBTORS LANDON BRADSHAW DICKERSON AND TERRI LEIGH DICKERSON AND
FOR RELIEF FROM STAY AS
TO CO-DEBTOR WHITNEY N. FARMER**

COMES NOW NISSAN- INFINITI LT (hereinafter referred to as "NMAC") and respectfully represents the following:

1.

The within and foregoing Petition was originally filed under Chapter 7 of the Bankruptcy Code on 10/30/2016 and thereafter converted to a case under Chapter 13 on 01/31/2017.

2.

Respondent(s) executed a lease contract which was assigned to NMAC for value, NMAC retaining ownership of the collateral described therein, (2016 Nissan Sentra, Vehicle Identification No. 3N1AB7AP0GY249517), all as more fully appears in the Proof of Claim

on file with the court.

3.

Movant is presently unable to take possession of its collateral and enforce its contractual rights unless the Court terminates, annuls, modifies or otherwise conditions the automatic stay under 11 U.S.C. § 362 and § 1301.

4.

Movant does not have and has not been offered adequate protection by the Respondent. The Debtors have indicated their intent to surrender the subject vehicle to NMAC.

5.

Further, the aforescribed vehicle is not necessary to an effective reorganization, is depreciating in value daily and the Debtors and Co-Debtor has no equity in the vehicle. The balance owing on the account is \$18,039.68 net (exclusive of the purchase option) , while the approximate appraisal value is \$13,875.00 retail.

6.

In accordance with 11 U.S.C. Sec. 1301, NMAC is entitled to relief from stay as to **Whitney N. Farmer**, unless within twenty (20) days such party files an objection to relief .

WHEREFORE, Movant prays:

- (a) That this Court grant Movant an immediate hearing;
- (b) That Movant be granted a final hearing within thirty (30) days from the date of said hearing, pursuant to 11 U.S.C. Section 362(e), and that upon final hearing, the 11 U.S.C. Section 362 be terminated;
- (c) That after notice and hearing, Movant be entitled to unrestrained possession, custody and control of the

aforescribed collateral and be permitted to proceed as by law allowed;

- (d) That the Court grant immediate relief and waive the requirements of 4001(a)(3); and
- (e) That the Court grant such other relief as is just and proper.

Respectfully submitted,

LEVINE & BLOCK, LLC

BY: /s/ Ronald A. Levine
Ronald A. Levine, Esq.
[GA Bar No. 448736]
ATTORNEYS FOR MOVANT

P.O. Box 422148
Atlanta, Georgia 30342
(404) 231-4567

BANKRUPTCY NO.16-69381-BEM
CHAPTER 13
JUDGE BARBARA ELLIS-MONRO

CERTIFICATE OF SERVICE

I, Ronald A. Levine, Esq. of Levine & Block, LLC., P.O. Box 422148, Atlanta, Georgia 30342 certify:

That I am, and at all times hereinafter mentioned, was more than 18 years of age:

That on the 29th day of July, 2017, I served a copy of the within and foregoing NOTICE OF ASSIGNMENT OF HEARING together with the MOTION FOR RELIEF FROM STAY filed in this bankruptcy matter on:

LANDON BRADSHAW DICKERSON & TERRI LEIGH DICKERSON & WHITNEY N. FARMER

the respondent(s) in this bankruptcy matter via electronic means as listed on the Court's ECF noticing system or by regular first class mail addressed to the said respondent(s) at:

Landon Bradshaw Dickerson
Terri Leigh Dickerson
537 Autumn Ridge Drive
Canton, Georgia 30115

Whitney N. Farmer
111 W. Putnam Ferry Road
Woodstock, Georgia 30189

and upon Debtor/Defendant(s) attorney:

B. Glen Johnson,
Law Offices of Edwards & Johnson, LLC
Suite C
270 E. Main Street
Canton, Georgia 30114

and upon Trustee-in-Bankruptcy:

Mary Ida Townson, Esq.
191 Peachtree Street, N.E.
Suite 2200
Atlanta, GA 30303-1740

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on 07/29/2017
(Date)

By: /s/ Ronald A. Levine
Ronald A. Levine, Esq.
(Ga. Bar No. 448736)